

## STATE OF VERMONT

## HUMAN SERVICES BOARD

In re ) Fair Hearing No. 18,201  
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Appeal of )  
 )

# INTRODUCTION

The petitioner appeals the decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) terminating her daughter's eligibility for Medicaid. The issue is whether the regulations require the petitioner to furnish the Department with her daughter's Social Security number.

## FINDINGS OF FACT

1. The petitioner lives with her young daughter. Both the petitioner and her daughter are recipients of Medicaid.

2. At a review of their eligibility conducted on November 15, 2002 the petitioner refused to allow the Department to use her daughter's Social Security number to identify her for the Medicaid program.<sup>1</sup>

3. The petitioner maintains (and the Department does not essentially dispute) that the petitioner has a restraining

<sup>1</sup> It is not clear whether the petitioner had previously furnished the Department with her daughter's Social Security number. At any rate, the petitioner maintains that she is willing to provide the number to the Department, but she refuses to allow the Department to use it in

order preventing her daughter's father from contacting the child or interfering with her personal liberty. The petitioner is fearful that if her daughter's father learns of her whereabouts, he will attempt to contact her and this would place her daughter at risk of physical or emotional abuse.

4. The petitioner has been informed that a friend of her daughter's father works in the billing department at the local hospital. The petitioner is fearful that if this individual learns her daughter's address through hospital medical records, he will give this information to the child's father.

5. The petitioner admits that she has not contacted the hospital to express this concern. She also does not allege that there aren't any alternative medical facilities that she could use to treat her daughter if that need should arise. The petitioner also admits that the person who works at the hospital does not know her daughter's name.

ORDER

The Department's decision is affirmed.

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identifying her daughter in connection with her participation in the Medicaid program.

REASONS

Medicaid Manual § M125 provides as follows:

Social Security Numbers

The Department will notify applicants or recipients that Social Security numbers will be used in the administration of the Medicaid Program.

Refusal to furnish a Social Security number, refusal to verify a Social Security number, or refusal to apply for a Social Security number for any applicant or recipient shall make that individual ineligible for assistance.

The Department will advise applicants how to apply for Social Security numbers and will not delay, deny or discontinue assistance during the issuance and verification of such numbers.

The Department maintains that the above requirement is based on a corresponding federal regulation requiring the use of Social Security numbers in identifying individuals for their participation in the Medicaid program. See 42 C.F.R. § 435.910.

Although the Board should hesitate to hold that there can never be circumstances that would allow a recipient to avoid using her Social Security number in her participation in the Medicaid program, in light of the above regulations it must be concluded that such circumstances must be extremely compelling. In this case, the petitioner has shown that the child's father has a history of violence and abuse. There is also no reason to dispute her assertion that contact with him would be detrimental to her daughter. However, other than the

petitioner's fears and suspicions, there is no evidence whatsoever that using her daughter's Social Security number for Medicaid purposes would increase the possibility that her father will attempt to contact her.

First, despite the father's violent history (and the written opinion of a "legal advocate" for a local battered woman's assistance group that it is "common place" [sic] for former abusers to attempt to contact their ex-partners) there is no evidence that he is at all predisposed to seek out his daughter, much less to do her harm. Second, and more serious in terms of the lack of evidence, is the absence of a showing that the hospital employee in question would be able or likely to learn her daughter's address, much less pass this information along to the child's father.

Although the petitioner's fears are real and sincere, she has not made even a minimal showing that her daughter's safety would in fact be jeopardized by the use of her Social Security number in her participation in the Medicaid program. Thus, it cannot be concluded that the Department has not acted in accord with the above regulations. Therefore, the Board is bound by law to affirm the Department's decision in this matter. 3 V.S.A. 3091(d), Fair Hearing Rule No. 17.

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